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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

| | | |
|--------------------------------------|---|---|
| JOSE CAMPOS, |) | 2770 Civil No. 17-cv- 0770 -KAW |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | FOR ATTORNEY FEES PURSUANT TO |
| v. |) | THE EQUAL ACCESS TO JUSTICE ACT |
| |) | |
| NANCY A. BERRYHILL, |) | |
| Former Acting Commissioner of Social |) | |
| Security, |) | |
| |) | |
| Defendant | | |

Plaintiff, Jose Campos, by and through his attorney, Nancy McCombs, and Defendant, Nancy A. Berryhill, former Acting Commissioner of Social Security Administration, by and through Attorneys, Alex Tse, Acting United States Attorney for the Northern District of California, Gina Tomaselli, Special Assistant United States Attorney, and Deborah Lee Stachel, Regional Chief Counsel, for said district, jointly stipulate that the court award attorney fees and expenses under the Equal Access to Justice Act, 28, U.S.C. § 2412, to Plaintiff in the amount of \$5,018.14 and filing costs in the amount of \$400.00 under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues order for EAJA fees to Plaintiff, the government will consider the matter

1 of the Plaintiff's assignment of EAJA fees to Nancy McCombs. Pursuant to *Astrue v. Ratliff*, 560 U.S.
2 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
3 whether the fees are subject to any offset allowed under the United States Department of the Treasury's
4 Offset Program. After the order for EAJA fees is entered, the government will determine whether they
5 are subject to any offset.

6 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
7 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and
8 costs to be made directly to Nancy McCombs, pursuant to the assignment executed by Plaintiff. Any
9 payments made shall be delivered to Nancy McCombs.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
11 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
12 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and
13 all claims that Plaintiff and Nancy McCombs, including the Law Office of McCombs and Abel have
14 relating to EAJA attorney fees in connection with this action.

15 The parties hereby request that the court enter an order awarding the Plaintiff attorney
16 fees and expenses in the amount of \$5,018.14 and filing costs in the amount of \$400.00, which
17 totals \$5,418.14, in settlement of any and all claim he may have in the matter pursuant to EAJA.

18 DATE: 3/26/2018

/s/ Nancy K. McCombs
NANCY K. McCOMBS,
Plaintiff's Attorney

21 DATE: 3/26/2018

/s/ Gina Tomaselli
GINA TOMASELLI
Special Assistant United States Attorney
ALEX TSE
Acting United States Attorney for the Northern
District of California
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX

Pursuant to the stipulation, IT IS ORDERED that attorney fees in the amount of \$5,018.14, as authorized by 28 U.S.C. § 2412, and filing costs in the amount of \$400.00, as authorized by 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

Dated 3/27/18


HONORABLE KANDIS A. WESTMORE
UNITED STATES MAGISTRATE JUDGE